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Chair: Mr. Tommo Monthe ..... (Cameroon)

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The meeting was called to order at 3.15 p.m.

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/65/L.23/Rev.1: Moratorium on the use of the death penalty

1. **The Chair** said that the draft resolution contained no programme budget implications.

2. **Mr. Errázuriz** (Chile), introducing the draft resolution, said that Dominican Republic, Madagascar, Sao Tome and Principe, South Africa, Tuvalu and the Bolivarian Republic of Venezuela had joined the sponsors.

3. In addition to calling on all Member States to impose a moratorium on the death penalty, the draft resolution called on those States that did not do so to respect the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50. The death penalty was irreversible and irreparable: if a miscarriage of justice occurred and a death sentence was carried out, the victim could never receive redress. Chile commended efforts by some States to reduce the number of crimes that were punishable by death in their national legislation and urged adoption of the draft resolution.

4. **Mr. Selim** (Egypt) said that, although the irrevocable right to life was safeguarded in all religions, including Islam, States must also protect their citizens from serious crimes. Under Islamic law, the death penalty was only handed down for the most serious offences and in accordance with due process. Furthermore, although the International Covenant on Civil and Political Rights placed restrictions on the death penalty, it did not prohibit its use. Instead of working for the abolition of the death penalty, efforts should therefore be made to safeguard the right to due process.

5. The draft resolution implied that the death penalty was handed down in certain States for political ends rather than to maintain social order and stability. By calling on Member States to establish a moratorium on executions with a view to abolishing the death penalty, the draft resolution blatantly disregarded the principle of non-interference in the internal affairs of States, as enshrined in international law and the United Nations Charter.

6. States must resolve their disputes about the use of the death penalty through dialogue; no State should attempt to impose its views on others. In negotiations on the draft resolution, however, all efforts to reach a compromise had been unsuccessful and all proposals put forward with a view to drafting a balanced text had been rejected on the basis of selectivity. The draft resolution ignored the world's normative, socio-economic and cultural diversity. All Member States were therefore urged to vote in favour of the proposed amendments in order to restore some balance to the draft resolution. Egypt believed, moreover, that the issue of a moratorium on the death penalty should be dealt with by the Human Rights Council and not the General Assembly.

7. **The Chair** drew the Committee's attention to the amendments to draft resolution A/C.3/65/L.23/Rev.1 contained in documents A/C.3/65/L.61 to 63, which contained no programme budget implications. He recalled that the Committee had agreed to take action on the proposed amendments in the order in which they had been submitted.

8. **Mr. Selim** (Egypt), introducing the proposed amendment to the draft resolution contained in document A/C.3/65/L.61, said that Bahamas, Bangladesh, Botswana, Brunei Darussalam, China, Grenada, Indonesia, Islamic Republic of Iran, Iraq, Kuwait, Libyan Arab Jamahiriya, Malaysia, Myanmar, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, the Sudan, Swaziland, Syrian Arab Republic, Trinidad and Tobago, Viet Nam, Yemen and Zimbabwe had joined in sponsoring the amendment. The amendment was an attempt to provide guidance for international cooperation by recalling the need to ensure respect for the principle of non-interference in matters of domestic jurisdiction, in accordance with the Charter. Although the language in the amendment had been proposed during negotiations on the draft resolution, the sponsors had refused even to discuss it. He urged Member States to support adherence to the principles of the Charter by supporting the amendment.

9. **Mr. Gustafik** (Secretary of the Committee) announced that Antigua and Barbuda, Democratic

People's Republic of Korea, Guyana and Saint Kitts and Nevis had joined in sponsoring the amendment.

10. **Ms. Chan** (Singapore) said that there was no international consensus on the abolition of the death penalty. Given that it was a criminal justice issue, not a human rights matter, every State had the sovereign right to choose whether to apply capital punishment. Her delegation had been active in the Committee based on the value it placed on creating consensus as a means of achieving progress. It was therefore deeply disappointed that its proposals to add language to balance the draft resolution had not been considered. While some sponsors had made positive efforts in the discussion, others had been unwilling to make key changes that would have opened the way to constructive dialogue on the issue of capital punishment. She questioned the unilateral approach of the sponsors in what was purportedly a cross-regional initiative. The question before the Committee was not about the merits or demerits of the death penalty itself, it was rather a question about the sovereign right of a State to decide on the matter for itself, a right which was enshrined in the Charter. The amendment recognized the delicate balance between international cooperation and national sovereignty, while the draft resolution undermined it. She urged all delegations to support all of the proposed amendments.

11. **Ms. Zhang** Dan (China), speaking in explanation of vote before the voting, said that her delegation supported the proposed amendment set out in A/C.3/65/L.61, which reflected the consensus on the need to uphold the Charter of the United Nations and reiterated the principle of non-interference in the internal affairs of States, an underlying principle of the work of the Organization. Expressing her regret that the sponsors of the draft resolution had not accepted the amendment, she called on all delegations to demonstrate their adherence to the purposes and principles of the Charter by supporting the amendment, together with the other amendments to the draft resolution.

12. **Mr. Zvachula** (Federated States of Micronesia), speaking in explanation of vote before the voting, said that all Member States had undertaken to be guided by the purposes and principles of the United Nations Charter. The sponsors of the draft resolution had avoided quoting selectively from the Charter so as not to imply an artificial hierarchy between its principles. Furthermore, General Assembly resolutions could not violate the sovereignty of any Member State and were referred to in the Charter as recommendations. Consequently, the sponsors of the draft resolution would vote against the proposed amendment.

13. **Mr. Makanga** (Gabon), speaking in explanation of vote before the voting, said that several United Nations instruments included general human rights principles regarding the death penalty. The amendment proposed by Egypt referred to matters that fell within State jurisdiction. The amendment appeared redundant because it took attention away from the purpose of the draft resolution, which was to establish a moratorium on executions. Therefore, his delegation would vote against the amendment.

14. **Mr. Lukiyantsev** (Russian Federation) said that although his delegation was a sponsor of the draft resolution and fully supported it, it would vote in favour of the amendment proposed by Egypt. It was difficult to see how it would be possible to vote against an amendment which contained a reference to the Charter of the United Nations.

15. *At the request of the delegation of Belgium, a recorded vote was taken on the amendment to draft resolution A/C.3/65/L.23/Rev.1 contained in document A/C.3/65/L.61.*

In favour:

Afghanistan, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi,

Cambodia, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Algeria, Barbados, Belize, Benin, Bhutan, Democratic Republic of the Congo, Ecuador, Ghana, Guatemala, Guinea, Guinea-Bissau, Honduras, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Malawi, Mali, Mauritania, Morocco, Peru, Republic of Korea, Samoa, Senegal, Seychelles, South Africa, Togo, Tuvalu, United Republic of Tanzania, United States of America, Zambia.

16. Draft amendment A/C.3/65/L.61 was rejected by 79 votes to 62, with 31 abstentions.

Draft amendment A/C.3/65/L.62: Moratorium on the use of the death penalty

17. **The Chair** said that he had been advised that the amendment to the draft resolution had no programme budget implications.

18. **Mr. Ntwaagae** (Botswana), introducing the draft amendment on behalf of its sponsors, Bahamas, Bangladesh, Egypt, Indonesia, Malaysia, Myanmar, Qatar, St. Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Singapore, Sudan, Swaziland, Syrian Arab Republic, Trinidad and Tobago, Viet Nam, Yemen and Zimbabwe, said that they proposed the insertion of the following new paragraph after the fifth preambular paragraph: "Recognizing that many Member States retain the death penalty on their statutes for the most serious crimes".

19. Only 95 Member States had abolished the death penalty in their jurisdictions and by inserting the paragraph, the sponsors were not trying to present arguments for or against the moratorium on the use of the death penalty, but rather to create a balance with regard to the issues raised in the draft resolution. States which retained the death penalty on their statutes and continued to apply it had sufficient safeguards and opportunities for redress. The sponsors of the draft amendment hoped that others would see its merit, particularly since it put issues concerning the death penalty into proper perspective, and urged delegations to support it.

20. **The Chair** said that Antigua and Barbuda, China, Grenada, Guyana and Libyan Arab Jamahiriya had joined the sponsors of that amendment.

21. **Ms. Melon** (Argentina), speaking in explanation of vote before the voting, said that the draft resolution before the Committee was the result of extensive reflection and negotiations. Several proposed modifications had been incorporated that had contributed to an important adjustment in its focus without losing sight of its essence and purpose. The proposed amendment was based on an article of the International Covenant on Civil and Political Rights, but did not reproduce it in its entirety, as stressing one part of the article while omitting the other would destroy the integrity of the proposed text. In addition, the draft resolution already recognized the effort made by States that had reduced the number of crimes for which the death penalty could be imposed. Therefore, her delegation would vote against the amendment.

22. **Mr. Zelioli** (Italy), speaking in explanation of vote before the voting and as a sponsor of the draft resolution, said that his delegation believed that the proposed amendment was contrary to the purpose of the draft resolution, which called for a moratorium on executions with a view to abolishing the death penalty. In addition, it was redundant in view of the references to restricting the use of the death penalty as well as the recognition that the reduction in the number of offences for which the death penalty could be imposed was a step towards a moratorium. The proposed amendment lacked the decisive focus of the draft resolution. Consequently, Italy would vote against the proposed amendment.

23. **Mr. Selim** (Egypt) said that the amendment proposed by Botswana built on international human

rights instruments. Its reference to the maintenance of the death penalty as an effective measure to combat serious crimes formed part of the international norms agreed to by all Member States. Thus, the insertion of that paragraph only brought much-needed balance to a very biased document that included selective citations in favour of imposing a moratorium on the death penalty. Resolutions approved by the General Assembly were only recommendations, and should conform to the international legal norms adhered to by the international community. Therefore Egypt supported the amendment proposed by Botswana, inasmuch as it reaffirmed the international obligations of the Member States.

24. *A recorded vote was taken on draft amendment A/C.3/65/L.62.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malaysia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Azerbaijan, Belize, Benin, Bhutan, Burkina Faso, Democratic Republic of the Congo, Ghana, Guatemala, Guinea, Guinea-Bissau, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Liberia, Malawi, Mali, Mauritania, Morocco, Namibia, Peru, Republic of Korea, Russian Federation, Samoa, Senegal, South Africa, Sri Lanka, Suriname, Togo, Tuvalu, United Republic of Tanzania, Zambia.

25. *Draft amendment A/C.3/65/L.62 was rejected by 81 votes to 51, with 33 abstentions.*

Amendment to draft resolution A/C.3/65/L.23/Rev.1 contained in document A/C.3/65/L.63

26. **The Chairperson** said that he had been informed that the amendment had no programme budget implications.

27. **Ms. Chan** Yu Ping (Singapore), introducing the amendment to draft resolution A/C.3/65/L.23/Rev.1 on behalf of the sponsors, Bahamas, Bangladesh, Botswana, Brunei Darussalam, China, Egypt, Grenada, Indonesia, Islamic Republic of Iran, Malaysia, Myanmar, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sudan, Syrian Arab Republic, Trinidad and Tobago, Viet Nam, Yemen and Zimbabwe, said that they proposed that the following paragraph should be inserted as a new first paragraph: "Reaffirms the sovereign right of all countries to develop their own legal system, including determining appropriate legal penalties, in accordance with their obligations under international law." The amendment upheld the principle that, while respecting its international obligations, every State had to choose its own path of development. By acknowledging the right of countries to choose their own legal penalties, the draft resolution could finally start an international discussion on the death penalty on the correct basis. The sponsors' refusal to accept that States had a choice of policies betrayed their real goal, which was to force a moratorium on other countries.

28. When proposing the amendment, her delegation had indicated that it was prepared to collaborate to identify wording that would be acceptable to both sides. While appreciating the efforts made by some sponsors, it regretted that select groups of sponsors were not willing to be similarly open. Her delegation asked members of the Committee who considered that the draft resolution was an effort to start international dialogue on the death penalty to vote in favour of the amendment, which acknowledged that all participants in the dialogue had a right to their own views, and their own choices.

29. **The Chair** said that Antigua and Barbuda, Barbados, Guyana, the Libyan Arab Jamahiriya and Uganda had joined the sponsors, and that the sponsors had requested a recorded vote.

30. **Mr. Babadoudou** (Benin) said that, although his delegation had sponsored the draft resolution, it considered that a greater effort should have been made to accommodate more of the concerns expressed by showing greater flexibility on such a sensitive issue as the right to life. Moreover, States and Governments had the primary responsibility for determining the legal system applicable to their territory and population; hence, his delegation was surprised to find itself faced with an amendment based on an idea that it had proposed to the original sponsors. He was therefore suspending his delegation from the group of sponsors pending his Government's instructions.

31. **Mr. Wetland** (Norway), speaking in explanation of vote before the voting, said that the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights established an incontestable link between human rights and criminal justice, as well as protection for individuals subjected to criminal justice systems, including in respect of trial and punishment. The proposed amendment would divert focus away from the human rights dimension of the use of the death penalty. While it was the sovereign prerogative of States to develop their own legal system in accordance with international law, that principle did not provide an exhaustive framework for the States' prerogatives and obligations relevant to the resolution. Thus the inclusion of the proposed amendment would upset the balance of the draft text. Norway would thus vote against the proposed amendment.

32. **Mr. Errázuriz** (Chile), speaking in explanation of vote before the voting, said that, in its introduction of the draft resolution on the moratorium on the use of the death penalty, his delegation had already stated that its first paragraph was guided by the purposes and principles of the Charter of the United Nations. Since national sovereignty was one of the principles of the Charter, the proposed amendment was redundant. Moreover, it distorted the meaning of the resolution, by removing it from the sphere of human rights in order to introduce it into that of national sovereignty. The draft resolution called for a moratorium on the use of the death penalty with a view to its ultimate abolition. However, it was the State that had to make the final decision and accept the corresponding responsibility. Delegations should reflect on the irreversible and irreparable nature of an error in the administration of justice for the victim.

33. *A recorded vote was taken on the amendment to draft resolution A/C.3/65/L.23/Rev.1 contained in document A/C.3/65/L.63.*

In favour:

Afghanistan, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico,

Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Belize, Bhutan, Burkina Faso, Democratic Republic of the Congo, Ghana, Guatemala, Guinea, Guinea-Bissau, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Liberia, Malawi, Mali, Mauritania, Morocco, Peru, Republic of Korea, Russian Federation, Samoa, Senegal, Seychelles, South Africa, Tajikistan, Togo, Tuvalu, United Republic of Tanzania, Zambia.

34. *Draft resolution A/C.3/65/L.63 was rejected by 79 votes to 58, with 30 abstentions.*

Draft resolution A/C.3/65/L.23/Rev.1: Moratorium on the use of the death penalty

35. **Ms. Booker** (Bahamas) wished to propose an oral amendment to paragraph 3 (d) of the draft resolution under rule 130 of the Rules of Procedure of the General Assembly. There was no international consensus on the death penalty, leading some delegations to feel that a position on the matter was being imposed on them. Member States recognized the decision of some States voluntarily to apply a moratorium on the use of the death penalty. As it stood, paragraph 3 (d) prejudged the outcome of national debates on the issue. The words "can contribute to possible" in operative paragraph 3 (b) implied some uncertainty as to whether debates would be informed and transparent and would actually lead to a moratorium. The phrase "To establish a moratorium" should be changed to read "To consider establishing a moratorium".

36. **Ms. Chan** Yu Ping (Singapore) said that if the draft resolution did not seek to impose the views of the sponsors on the rest of the membership, then there was no reason for the sponsors and the rest of the Committee to reject the amendment. It was not an outright deletion of the paragraph. Singapore would vote in favour of the oral amendment.

37. **Mr. Selim** (Egypt) said that the oral amendment was objective, non-selective and did not impose a point of view. It was an attempt to call on those who considered the resolution balanced to prove that it actually was. The amendment was in line with the resolution, and all delegations were urged to consider it positively.

38. **Ms. Morton** (New Zealand) said that her delegation was opposed to the oral amendment. Paragraph 3 (d) contained the very purpose of the draft resolution. Any amendment to it would go against its spirit. Paragraph 3 had already been changed to address concerns about selectivity. It was the undeniable intention of the sponsors to call upon States to establish a moratorium on the death penalty.

39. **Ms. Robles** (Spain) requested a recorded vote. The proposed oral amendment ran counter to the central objective of the draft resolution. Paragraph 3 (d) was the crux of the draft resolution, summarizing its primary purpose, which was to call upon all States to establish a moratorium on the use of the death penalty, leading to its abolition. Preambular paragraphs 4 and 5 referred to the irreversibility of the death penalty in cases of miscarriage of justice and the lack of evidence of the deterrent value of the death penalty. There was no reason to introduce an amendment, as draft resolutions urging a moratorium had already been adopted in 2007 and 2008.

40. **Mr. Ntwaagae** (Botswana) said that his delegation supported the oral amendment proposed by Bahamas, which was very progressive.

41. **Ms. Riley** (Barbados) said that the language of the oral amendment reflected a flexibility with which it would be difficult to disagree.

42. *A recorded vote on the oral amendment to paragraph 3 (d) of draft resolution A/C.3/65/L.23/Rev.1 was taken.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Botswana, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guyana, India, Indonesia, Iraq, Jamaica, Japan, Jordan, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and

the Grenadines, Saudi Arabia, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Belize, Bhutan, Bolivia, Burkina Faso, Cambodia, Democratic Republic of the Congo, Ghana, Guatemala, Guinea, Guinea-Bissau, Kenya, Lebanon, Liberia, Malawi, Mali, Mauritania, Morocco, Nicaragua, Nigeria, Peru, Republic of Korea, Samoa, Senegal, Seychelles, Tajikistan, Tuvalu, United Republic of Tanzania, Zambia.

43. *The proposed oral amendment to draft resolution A/C.3/65/L.23/Rev.1 was rejected by 82 votes to 54, with 29 abstentions.*

44. **Ms. Wilson** (Jamaica) said that each Member State had the right to determine whether or not it would apply the death penalty. That was a matter of State sovereignty and self-determination. Jamaica was guided by the Universal Declaration of Human Rights, the Charter of the United Nations and its belief that countries had the inalienable right to choose their political and cultural systems without interference in any form by another Member State. Countries that opposed the death penalty did not have the right to impose their views on other countries. Member States should refrain from passing resolutions that amounted to interference in the domestic affairs of other States.

45. International law allowed States to decide the matter. The International Covenant on Civil and Political Rights, for example, affirmed the right to life, but avoided the suggestion that the death penalty was a violation of international law. The basic premise of article 6, paragraph 2, of the Covenant was that the death penalty was compatible with international law if carried out in compliance with certain conditions. The Second Optional Protocol to the Covenant aimed to abolish the death penalty. If a State ratified it, it was going in a clear direction. The converse was also true. It was for Jamaica to decide whether or not the death penalty might act as a deterrent in its particular circumstances.

46. Jamaica would vote against the draft resolution, which was sponsored mainly by European States. It was an attempt to impose the will of some countries on others.

47. **Mr. Gonsalves** (St. Vincent and the Grenadines) said that the death penalty had been bequeathed to his country in its Constitution, which came from its former colonizer, the United Kingdom. The legality of the law on the death penalty had been affirmed and reaffirmed, including by the Judicial Committee of the Privy Council of the United Kingdom. Polls and public consultations showed that the death penalty was supported by an overwhelming majority of citizens.

48. The draft resolution was a peculiar expression of cultural, political and legal insensitivity and demonstrated scant regard for the Charter of the United Nations and for State sovereignty. Saint Vincent and the Grenadines took no issue with those States that had abolished or mothballed the death penalty. Many of the sponsors had a recent history of arbitrary and capricious misapplication, which may have led to public revulsion for the death penalty and resulted in its abolition. Such heinous misapplication was foreign to his country's experience. Each country must decide the issue without the interference of well-meaning but misguided outsiders.

49. If, as had been said, the world was witnessing rapid movement towards a universal moratorium on the death penalty, then it was taking place without the assistance of the draft resolution. For those basking in the self-congratulatory glow of their own recent rejection of the death penalty, it might seem unfathomable that not everyone agreed with them.

50. His country and others like it, which had superlative human rights records, had decided to retain the death penalty. Passage of the resolution would set an unfortunate precedent.

51. **Mr. Ali** (Sudan) said that the draft resolution was inconsistent with the United Nations Charter and other international instruments. Although the amendments proposed by the Sudan and certain other States had been rejected, the fact that so many States had voted in favour of those amendments demonstrated that the death penalty remained a highly controversial issue.

52. Decisions on the use of the death penalty fell within the national jurisdiction of States, which enjoyed the sovereign right freely to choose their own socio-economic, cultural and judicial systems, in accordance with the United Nations Charter. The Sudan respected the views of States that, pursuant to debate at the domestic level, had abolished the death penalty or imposed a moratorium on its use; the views of States that still applied that penalty for specific serious and dangerous crimes must, likewise, be respected. Moreover, attempts by certain States to impose their views on others, by means of highly controversial General Assembly resolutions, would not be successful.

53. As the sponsors of the draft resolution had failed to address its concerns, the Sudan would be compelled to vote against it.

54. **Mr. Rastam** (Malaysia) said that although his delegation believed that the debate on the draft resolution had detracted from the work of the Committee, the process had been conducted in a positive way. He welcomed the recognition of ongoing national debates on the death penalty in the draft resolution, as each society must make its own decisions regarding criminal justice matters, at its own pace and free from outside pressure. In Malaysia, the death penalty was carried out only after all legal remedies were exhausted and could only be decreed by the highest courts for the most serious crimes. Furthermore, the legal framework required compliance with the strictest safeguards before the death penalty was carried out. The Government was currently considering amendments to reduce the penalties for offences that carried the death penalty, including drug-trafficking crimes.

55. While the approach to the debate in the Committee had improved, it was clear that there was no consensus on the issue, and that the focus of the debate in any given country varied greatly depending on the national legal status of capital punishment. The draft resolution did not recognize those differences and was unbalanced in its singular focus on imposing a moratorium. His delegation had proposed amendments to balance the text in a spirit of constructive dialogue, including by proposing language to encourage national debates to continue, and was disappointed that all of those amendments had been rejected. If a resolution on the death penalty was in fact needed in the General Assembly, in the interest of authentic change, such a resolution must not marginalize groups of countries. If such a resolution would acknowledge the diversity in national debates, recognize the right of countries to choose their criminal justice system and urge States to provide safeguards in the imposition of the death penalty, consensus on the measure would be possible, even if countries were asked to consider a moratorium on the death penalty. The fact that the draft resolution ignored the broad scope of the question demonstrated that it sought to impose the values of some countries on all. Although his delegation had considered all options on the draft resolution, it had no choice but to vote against it.

56. **Mr. Nduhungirehe** (Rwanda), recalling that one of the proposed amendments had made reference to State sovereignty, said that all of the sponsors of the draft resolution were individual and sovereign States. He urged the delegations present to reconsider the list of sponsors and recognize that it included countries from all regions of the world that shared similar convictions regarding human dignity, not just members of the European Union. He invited all Member States to vote in favour of the draft resolution.

57. **Ms. Abubakar** (Libyan Arab Jamahiriya), speaking in explanation of vote before the voting, said that the draft resolution was an attempt by some States to impose their views and legislation on others. Furthermore, it violated the sovereignty of States, as enshrined in the United Nations Charter and other international instruments. The death penalty neither

violated human rights nor international law. In Libya it was handed down for specific offences by special courts and was only carried out when all means of recourse or appeal had been exhausted.

58. The right to life was sacred. If the sponsors of the draft resolution were genuinely concerned about that right, they must speak out against the killing of people living under foreign occupation and make every effort to resolve conflicts that had caused the deaths of millions.

59. **Ms. Boissiere** (Trinidad and Tobago), speaking in explanation of vote before the voting, said that her Government held the question of capital punishment to be a criminal justice matter which fell under the national jurisdiction of States. In Trinidad and Tobago, the death penalty was applied only for the crimes of murder and treason and carried out through due process. The Government therefore did not view the application of the death penalty as inconsistent with its obligations under the International Covenant on Civil and Political Rights. While her delegation appreciated the sponsors' attempts to accommodate some of the concerns raised regarding the contents of the draft resolution, it affirmed that the text as a whole was inconsistent with the Charter, as it encroached on the sovereign right of Member States to determine appropriate legal penalties, in accordance with their own needs to maintain security and peace. Her delegation would therefore vote against the draft resolution.

60. **Ms. Chan** (Singapore), speaking in explanation of vote before the voting, said that in the course of considering the draft resolution, the Committee had chosen to reject language from the Charter and had refused to acknowledge the simple fact that some countries retained the death penalty in their legislation for the most serious crimes. Furthermore, it had implied that the sovereign right of States to determine their own legal penalties was somehow dangerous by refusing to make that right explicit in the draft resolution. The Committee had also continued to disrespect countries that retained the death penalty by voting against an amendment that would allow them to simply consider imposing a moratorium.

61. While the draft resolution itself urged national debate on the issue of the death penalty, in their actions, the sponsors had not shown tolerance for diversity or respect for the freedom of expression, a principle they often held dear. In the absence of consensus, the opinions of some countries should not be imposed on all. Countries that retained the death penalty, including Singapore, did not seek to impose that position on all; they requested the same respect from others. Adopting a draft resolution by sheer numbers was not a way to change a State's position on an issue. When the Universal Declaration on Human Rights had been adopted in 1948, 15 European countries and many other sponsors of the draft resolution had been implementing the death penalty and had signed the Declaration with the understanding that it was not a human rights issue. They now sought to deny others that same choice, which amounted to a cynical application of double standards. Her delegation would therefore vote against the draft resolution.

62. **Mr. Al-Shami** (Yemen), speaking in explanation of vote before the voting, said that a moratorium on the death penalty required broad international consensus, which did not currently exist. The death penalty was a criminal justice matter; it was not a human rights issue and did not violate international law. Every State had the irrevocable right to establish its own system of justice without being subjected to foreign interference. Along with the delegations of other States that shared its convictions, the delegation of Yemen had negotiated on the draft resolution in good faith and had shown great flexibility. Yemen believed strongly that disputes were best resolved through dialogue and regretted the fact that certain States had voted against the proposed amendments. Any action taken by States with a view to imposing their values and views on others would only serve to increase tension and exacerbate disputes. Yemen would thus vote against the draft resolution.

63. **Ms. Halabi** (Syrian Arab Republic), speaking in explanation of vote before the voting, said that the draft resolution clearly interfered in the internal affairs of States and was therefore inconsistent with the United Nations Charter. The key issue under discussion was not the death penalty per se, but State sovereignty. The death penalty was a criminal justice and not a human rights issue. The rights of the victims of crime must be safeguarded; instead of strengthening respect for human rights, abolition of the death penalty would serve to weaken it. Syria would therefore vote against the draft resolution.

64. **Mr. Vimal** (India), speaking in explanation of vote before the voting, said that article 6, paragraph 2, of the International Covenant on Civil and Political

Rights only made reference to the "desirability" of abolishing the death penalty. In India, the death penalty was exercised very rarely, for heinous crimes that shocked the conscience of society. Furthermore, in those cases, the legal framework provided the requisite procedural safeguards, including the right to a fair hearing, presumption of innocence, guarantees of defence and the right to review by a higher court. Legislation also provided for suspension of the death penalty for pregnant women and juvenile offenders and for pardons by the President and governors of states. The draft resolution went against statutory law in India, as it sought to abolish the death penalty by promoting a moratorium on executions, and his delegation would therefore vote against it.

65. **Mr. Bouchaara** (Morocco), speaking in explanation of vote before the voting, said that his delegation appreciated the efforts made by the sponsors to respond to concerns raised during consultations on the draft resolution. There had been a de facto moratorium on the death penalty in Morocco since 1993, and the Government was already in compliance with the measures called for in paragraph 3 (b) and (c) of the draft resolution. A policy was in place to facilitate communication of information related to executions, and the Penal Code was in the process of being revised in order to reduce the number of offences for which the death penalty could be applied. For those reasons, and given that capital punishment was still the subject of debate in Moroccan society, his delegation would abstain from voting, and would continue to engage in dialogue with the sponsors.

66. **Ms. Phipps** (United States of America), speaking in explanation of vote before the voting, said that her delegation had appreciated the sponsors' attempts to promote international dialogue. While her delegation recognized that the draft resolution presented the policy objectives of countries advocating the abolition of the death penalty, it affirmed that any decision on the matter must be made through the democratic domestic procedures of Member States, consistent with their obligations under international law. The death penalty was in fact permitted under the International Covenant on Civil and Political Rights when imposed for the most serious crimes and enacted in accordance with appropriate procedural safeguards. The United States had clear legislation in place as to how the death penalty was carried out, which included an amendment in the Constitution that prohibited methods of execution constituting cruel and unusual punishment. All such protections were guaranteed at the federal and state level. Furthermore, the Supreme Court had limited the types of individuals and the kinds of offences to which the death penalty was applicable. Her delegation urged other States to strive to apply the death penalty in compliance with international law, including by ensuring due process guarantees; conducting a review of the types of crimes and individuals subject to capital punishment; prohibiting methods that inflicted undue suffering; and preventing executions conducted in an extrajudicial, summary or arbitrary manner. She particularly urged those Governments that supported the draft resolution to turn their focus towards addressing human rights violations committed through the improper application of the death penalty.

67. **Ms. Zhang** Dan (China), speaking in explanation of vote before the voting, said that her delegation would vote against the draft resolution, which concerned a matter within the sovereign responsibility of individual States. She pointed out that both the discussion and the adoption of a resolution on the death penalty ran counter to the principles of the Charter of the United Nations on non-interference in the internal affairs of States and would not change the position which countries held on the issue; instead, it served only to divide them further.

68. Attempting to push through a moratorium on an issue on which there was still no consensus in the international community was not conducive to a healthy and balanced dialogue and would only increase mistrust between the various constituencies. China respected the right of each country to choose appropriate penalties for offenders in accordance with its judicial imperatives, level of development and historical and cultural background and urged the sponsors of the draft to take a more balanced approach, to respect the sovereignty of other States and to refrain from politicizing the issue of the death penalty.

69. **Ms. Andamo** (Thailand), speaking in explanation of vote before the voting, said that her delegation had supported all of the proposed amendments to the text, as the Government of Thailand considered the death penalty to be a criminal justice issue that fell within every State's sovereign right to decide its own penal code. In Thailand, a national debate had been sparked by the recent introduction of the National Human Rights Plan, which included a component on the death penalty. In order to reflect those developments, her delegation had adjusted its position and would be abstaining in the vote, instead of voting against the draft resolution. She urged the sponsors to make a

sincere attempt to include the perspectives of the entire United Nations membership by bridging the gaps that had been left in the draft resolution when presenting such a measure in the future.

70. **Mr. Monterrey Suay** (El Salvador) said that his delegation wished to join the sponsors.

71. **Mr. Selim** (Egypt), speaking in explanation of vote before the voting, said that his delegation's sincere attempts to improve the language in the draft resolution had not been heeded. It was ironic that some delegations had rejected the inclusion of language from the Charter, when they themselves introduced selective quotations from international instruments when it suited their objectives in other resolutions, even adding their own interpretations to that language. The sponsors ignored the fact that the draft resolution itself was selective in its scope and contents. His delegation had hoped that the Committee would have respected the great diversity in societies and acknowledged that not all rules were suitable in all societies at all times. Some delegations had claimed that there was a trend towards abolishing the death penalty worldwide. He questioned that claim, given that so many delegations had voted to include an amendment affirming the right of States to maintain the death penalty for the most serious crimes. It seemed the real trend was for some to impose their perceptions of an issue, without consideration of the concerns voiced by delegations on the other side. He wondered to what purpose international cooperation was undermined through the systematic imposition of standards under the guise of democratic principles. His delegation would vote against the draft resolution.

72. **Ms. Hoang** Thi Thang Nga (Viet Nam), speaking in explanation of vote before the voting, said that her delegation would abstain in the vote on the draft resolution. Application of the death penalty was a judicial question and should not be part of human rights discussions. All States had the sovereign right to choose their own legal system, and no country could impose its views on others regarding matters of national jurisdiction, including in the Third Committee. The Government of Viet Nam had been reducing the number of offences for which the death penalty was applied. In addition, the Penal Code protected pregnant women and juveniles from application of the death penalty.

73. **Ms. Medal** (Nicaragua), speaking in explanation of vote before the voting, said that her delegation wished to join as a sponsor and would be voting in favour of the draft resolution. In line with the second Optional Protocol to the International Covenant on Civil and Political Rights, her Government had abolished capital punishment in the Constitution. Her delegation hoped that some of the amendments to the draft resolution that had been rejected would be considered in future discussions of such a resolution for the sake of greater consensus.

74. **Ms. Richter** (Maldives), speaking in explanation of vote before the voting, said that although Maldives had voted against the resolution in the past, in acknowledgement of the fact that it had the second longest moratorium on the death penalty, it would be voting in favour of the draft resolution.

75. *At the request of the delegation of Singapore, a recorded vote was taken on draft resolution A/C.3/65/L.23/Rev.1.*

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam,

China, Democratic People's Republic of Korea, Egypt, Ethiopia, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Myanmar, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Swaziland, Syrian Arab Republic, Trinidad and Tobago, Uganda, United States of America, Yemen, Zimbabwe.

Abstaining:

Afghanistan, Bahrain, Belarus, Cameroon, Comoros, Cuba, Democratic Republic of the Congo, Djibouti, Eritrea, Fiji, Ghana, Guinea, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco, Namibia, Nigeria, Oman, Papua New Guinea, Republic of Korea, Senegal, Seychelles, Sierra Leone, Solomon Islands, Suriname, Thailand, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

76. *Draft resolution A/C.3/65/L.23/Rev.1 was adopted by 107 votes to 39, with 36 abstentions.*

77. **Mr. Kimura** (Japan), speaking in explanation of vote after the voting, said that Japan had voted against the draft resolution because it considered that it was for each Member State to make decisions concerning the death penalty, including the establishment of a moratorium on executions or the abolition, retention or re-introduction of the death penalty. Such decisions should be based on careful consideration of all the relevant factors, including public opinion, the national situation and the trend in serious crimes for which the death penalty might be applied, and the need for a holistic approach to national criminal justice policy.

78. The retention of the death penalty for those who committed serious crimes was supported by an overwhelming majority of the Japanese public, and the Government respected public opinion. Furthermore, no international consensus existed on the abolition of the death penalty. It was therefore regrettable that the sponsors had decided to table the resolution calling on States to establish a moratorium on executions with a view to abolishing the death penalty, even though the focus in the draft resolution on abolition of the death penalty faced strong opposition from many States that retained capital punishment.

79. **Mr. Abulhasan** (Kuwait), speaking in explanation of vote on behalf of his delegation and also on behalf of Qatar and Saudi Arabia, said that the draft resolution constituted blatant interference in the internal affairs of States and violated the right of each State to devise its own criminal justice framework. It thus violated the sovereignty of States as enshrined in the Charter of the United Nations. Kuwait, Qatar and Saudi Arabia had therefore voted against the draft resolution.

80. **Mr. Hussain** (Bangladesh), speaking in explanation of vote after the voting, said that Bangladesh had provisions regarding the death penalty in its criminal justice system, but restricted capital punishment to the most heinous crimes. Its legal system had adequate safeguards in place to avoid miscarriages of justice; extreme caution was exercised at all stages, and there were adequate measures of redress. A moratorium that ultimately sought the total abolition of the death penalty, as envisaged in the draft resolution, would require a comprehensive appraisal of criminal justice systems worldwide, but since that had not been proposed, Bangladesh had voted against the draft resolution.

81. **Mr. Ntwaagae** (Botswana), speaking in explanation of vote after the voting, said that Botswana had voted against the draft resolution and wished to record its disappointment with the rejection of the amendments submitted in an attempt to create balance in its content. Botswana would continue to vote against the draft resolution for as long as the sponsors failed to take into account that, for many countries, the death penalty was not a human rights issue, but one related to the criminal justice system. Hence, linking the death penalty to human rights was totally unacceptable to Botswana and other delegations. Moreover, since it was a criminal justice issue, it would be misleading to suggest that the abolition of the death penalty contributed to the protection and promotion of human rights. While respecting the decision of countries that had abolished the death penalty or instituted a moratorium, Botswana regretted that the sponsors had shown no inclination to respect the choice of those countries that retained capital punishment in their legal system for perpetrators of serious crimes. The death penalty was not proscribed by international law. Botswana was proud of its record of sustained democracy and respect for the rule of law and fundamental rights of the individual as guaranteed by the Constitution, and to state that its population was fully in support of retaining the death penalty. Botswana remained open to continue debating the issue on the basis of the sovereign equality of the Member States of the United Nations.

82. **Ms. Sodov** (Mongolia), speaking in explanation of vote after the voting, said that, in the past, Mongolia had invariably voted against the draft resolution, because its Criminal Code and other relevant laws established the death penalty. However, earlier in the year, the President had declared a moratorium on the use of the death penalty by virtue of his constitutional authority to grant pardon. The Government had then submitted the proposal to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights to Parliament, with the aim of abolishing the death penalty. Consequently, Mongolia had voted in favour of the draft resolution.

83. **Mr. Wangchuk** (Bhutan), speaking in explanation of vote after the voting, said that, even though the death penalty had been abolished by royal decree in 2004, Bhutan had abstained from voting on the draft resolution in the past in recognition of the right of States to determine their own criminal justice system. The royal decree had been incorporated into the 2008 Constitution, which represented the will of the people, and Bhutan had therefore voted in favour of the draft resolution.

84. **Mr. Vigny** (Switzerland) said that, as a traditional sponsor of the draft resolution, Switzerland had again voted in favour of the establishment of a moratorium on the use of the death penalty, demonstrating its commitment to its abolition worldwide, a priority in the context of its human rights policy. Nevertheless, it regretted that the draft resolution had not included a paragraph embodying the principle of a global exchange of views on the death penalty, within the United Nations, to have followed the national discussions on the question referred to in the draft resolution. Switzerland hoped that a true dialogue could be held within the United Nations in the near future. Lastly, it welcomed the fact that the final vote confirmed the tendency towards the abolition of the death penalty worldwide.

85. **Mr. Andrade** (Brazil) said that Brazil welcomed the adoption of the draft resolution because it emphasized the importance of promoting human rights. Significant progress had been in the dialogue on the death penalty among all Member States, which had enabled them to adopt a more balanced text. Dialogue would also lead to a better understanding of the different positions, and would help States work together towards abolishing the death penalty. Brazil hoped that the more constructive atmosphere achieved could be retained when consideration resumed in two years' time and emphasized the importance of transparent consultations to achieve a resolution with the broadest possible support.

86. **Mr. Selim** (Egypt) said that although Egypt had voted against the resolution, it strongly believed that, in all States which retained the death penalty, it could only be imposed by a competent court of law and respecting due process. International efforts should focus on strengthening international commitment to ensure that no one was arbitrarily deprived of life. Egypt firmly believed that the draft resolution not only tried to reinterpret provisions of the International Covenant on Civil and Political Rights in the light of developments in the national legislation of certain countries, but also sought to impose new interpretations and restrictive approaches on the general membership that advanced the standards of a select few hiding behind cross-regional numbers.

87. The draft resolution dealt with only one aspect of the right to life, representing yet another facet of the selectivity that Members States had pledged to avoid when they established the Human Rights Council. That selectivity was revealed by the choice of the international norms highlighted in the resolution, and how certain parts of articles were used to justify the approach of a select core group. Moreover, the draft resolution overlooked the fact that any changes to or interpretations of a negotiated legal instrument should only be made through the same negotiation process, and no single interpretation should be forced on the international community. All resolutions must adhere to international law and human rights instruments. Attempts to selectively ignore well-established principles in the draft resolution in question while upholding others revealed the flagrant application of double standards, and would create an unfortunate precedent in international law, detrimental to common efforts to promote the universal respect and implementation of human rights law. Egypt strongly believed that the diverging human rights arguments could only be reconciled through a comprehensive process of debate at the multilateral level.

The meeting rose at 6.25 p.m.